

1 DANIEL M. BENJAMIN (F0309)
2 CALVO & CLARK, LLP
3 1st Floor, Macaranas Building
4 PMB 951 Box 10001
5 Saipan, MP 96950
Telephone: (670) 233-2045
Fax: (670) 233-2776

6 *Attorneys for Defendant*
7 *Rome Research Corporation*

8
9 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

10
11 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

12 Plaintiff,

13 v.
14 ROME RESEARCH CORPORATION; and
15 DOES 1-10, Inclusive,
16 Defendants.

Civil Action No. CV 07-0030

AFFIDAVIT OF SIEU K. CHE IN
SUPPORT OF DEFENDANT
ROME RESEARCH
CORPORATION'S WRITTEN
RESPONSE TO THE COURT'S
APRIL 7, 2008 ORDER TO
SHOW CAUSE

Hearing: April 22, 2008
Time: 10:00 a.m.

SIEU K. CHE, being first duly sworn under oath, deposes and says:

1. I am an attorney duly licensed to practice in the State of Hawaii and an associate with the law firm of Goodsill Anderson Quinn & Stifel, counsel for Defendant Rome Research Corporation (“RRC”), a subsidiary of PAR Technology Corporation (“PAR”) in the above-entitled matter. I make this declaration based upon personal knowledge gained in that capacity, except where expressly stated otherwise.

2. The present lawsuit was filed by the U.S. Equal Employment Opportunity Commission (“EEOC”) with this Court on or around September 25, 2007, designated, *U.S. Equal Employment Opportunity Commission v. Rome Research Corporation, et al.*, Civil No. 07-0030 No. 05-00667.

3. The Answer in this matter was originally due on or about March 10, 2008.

4. The parties entered into preliminary settlement discussions on or before January 8, 2008.

5. On or about February 9, 2008, the parties agreed to mediate this lawsuit. The parties agreed that the mediation was to occur on or before May 15, 2008. Pursuant to this agreement, a stipulation to extend time to file answer was prepared and submitted with this Court on or about March 14, 2008.

6. In furtherance of the parties agreement to mediate the matter, on or about March 26, 2008, we sent to Gregory McClinton, counsel for the EEOC, dates of availability and the curriculum vitae of two experienced mediators who we felt were appropriate to handle the matter. Attached hereto as Exhibit “A” is a true and correct copy of the e-mail dated March 26, 2008 sent to Mr. McClinton regarding possible mediators and mediation dates.

7. That same day, on March 26, 2008, we received an automated out-of-office reply from Mr. McClinton's e-mail indicating that he would be out of the country until April 7, 2008. Attached hereto as Exhibit "B" is a true and correct copy of the e-mail dated March 26, 2008 from the EEOC's postmaster on behalf of Mr. McClinton.

8. On or about April 7, 2008, I received a telephone call from Mr. McClinton stating that, among other things, he had just returned from vacation and had received two notices from this Court, Order Regarding Pro Hac Vice Admission dated March 14, 2006, and Order to Show Cause Why Default Should Not Be Entered For Failing to Abide by Court's Orders and Local Rules dated April 7, 2008, respectively.

9. This telephone call from Mr. McClinton was the first time that we received notice of either of the Court's respective orders. I therefore asked Mr. McClinton to forward a copy of the orders to us as soon as possible. Attached hereto as Exhibit "C" is a true and correct copy of the e-mail dated April 7, 2008 from Mr. McClinton attaching the two respective orders from this Court.

10. Immediately after receiving the e-mail, we began researching possible local counsel to help resolve this matter. On or about April 9, 2008, we contacted Calvo & Clark, LLP to assist as local counsel. On or about April 11, 2008, RRC retained Calvo & Clark, LLP as local counsel to help resolve this matter, subject to completion of their final conflicts check (which is now completed).

11. Since my telephone conversation with Mr. McClinton on April 7, 2008, we have been in contact with him to arrange an agreeable mediation date. On or about April 11, 2008, the parties agreed to mediate this matter on May 13, 2008.

12. Should the Court lift the OSC, we are prepared to file our pro hac vice

applications, true and correct copies of which are attached as Exhibit "D." The two \$250.00 checks required for the applications are being sent to local counsel for filing with the Court.

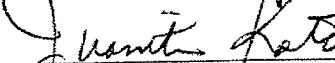
I declare under the penalty of perjury under the laws of the United States and the Commonwealth of the Northern Mariana Islands and that the foregoing affidavit is true and correct and that it was executed on April 16, 2008 in Honolulu, Hawaii.

FURTHER AFFIANT SAYETH NAUGHT

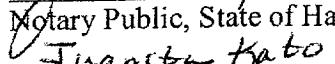


SIEU K. CHE

Subscribed and sworn to before me
on this 16 day of April, 2008.



Juanita Kato
Notary Public, State of Hawaii



Juanita Kato
My commission expires on: 6/3/2011

Che, Sieu K.

From: Che, Sieu K. [sche@goodsill.com]
Sent: Wednesday, March 26, 2008 1:37 PM
To: GREGORY MCCLINTON
Cc: Petrus, Barbara A.
Subject: EEOC v. Rome Research Corp. (Arizapa) - Mediators and Mediation Dates
Attachments: winer.lab.doc; Ichinose-Resume.ltr.07.pdf

Mr. McClinton,

For the upcoming mediation for the Arizapa matter, we have come up with two experienced mediators that we feel would be appropriate to handle this matter. I've attached their CVs for your review. We've called both and here are their availabilities for April and May:

- Susan Ichinose: April 15, 16, 17, 18, 21, 23, or 25
- Andrew Winer: May 2, 7, or 9

Let us know if you have a preference or would be agreeable to either of the mediators. Please note that Ms. Ichinose is currently mediating a matter with the EEOC's Los Angeles office.

Let me know if you have any questions or concerns. We look forward to hearing from you.

Regards,

Sieu K. Che

Goodsill Anderson Quinn & Stifel
A Limited Liability Law Partnership
1099 Alakea Street, Suite 1800
Honolulu, HI 96813
Direct line: (808) 547-5838
Direct fax: (808) 441-1253
Fax: (808) 547-5880
email: sche@goodsill.com

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EXHIBIT A

Che, Sieu K.

From: Postmaster@EEOC.GOV on behalf of GREGORY MCCLINTON
[GREGORY.MCCLINTON@EEOC.GOV]
Sent: Wednesday, March 26, 2008 1:37 PM
To: Che, Sieu K.
Subject: Re: EEOC v. Rome Research Corp. (Arizapa) - Mediators and Mediation Dates (Out of Office)

I will be out of the country Until April 7th. If you need immediate assistance before April 7th contact Tracy Villemarette at 213 894-1069 or Derek Li at 213 894-1077.

EXHIBIT B

Che, Sieu K.

From: GREGORY MCCLINTON [GREGORY.MCCLINTON@EEOC.GOV]
Sent: Monday, April 07, 2008 10:18 AM
To: Petrus, Barbara A.; Che, Sieu K.
Subject: Re: EEOC v. Rome Research Corp. (Arizapa) - Mediators and Mediation Dates
Importance: High
Attachments: Order Vacating Stip Pro Hac Vice 03-14-08[1].pdf; OSC 04-07-08[1].pdf; GREGORY MCCLINTON1.vcf

Barbara and Sieu

Here are the two orders.

Gregory L. McClinton
Senior Trial Attorney,
EEOC, Los Angeles District Office
(213)894-1053- Direct
(213)894-1301- Facsimile
Gregory.McClinton@EEOC.Gov

=====

This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail to: Gregory.McClinton@EEOC.Gov, or call (213)894-1053, and delete the message.

>>> "Che, Sieu K." <sche@goodwill.com> 3/26/2008 4:36 PM >>>
Mr. McClinton,

For the upcoming mediation for the Arizapa matter, we have come up with two experienced mediators that we feel would be appropriate to handle this matter. I've attached their CVs for your review. We've called both and here are their availabilities for April and May:

- Susan Ichinose: April 15, 16, 17, 18, 21, 23, or 25
- Andrew Winer: May 2, 7, or 9

Let us know if you have a preference or would be agreeable to either of the mediators. Please note that Ms. Ichinose is currently mediating a matter with the EEOC's Los Angeles office.

Let me know if you have any questions or concerns. We look forward to hearing from you.

Regards,

Sieu K. Che
Goodsill Anderson Quinn & Stifel
A Limited Liability Law Partnership
1099 Alakea Street, Suite 1800
Honolulu, HI 96813
Direct line: (808) 547-5838

EXHIBIT C

Direct fax: (808) 441-1253
Fax: (808) 547-5880
email: sche@goodsill.com

NOTICE: The information contained in this email is confidential and may also be attorney-client privileged. This information is intended only for use by the individual to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this email in error, please immediately notify the sender by return email or call us collect at (808) 547-5600, and delete this email, any attachments and all copies.

EXHIBIT D

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15 DOES 1-10, Inclusive,

16 Defendant.

17 Civil Case No. CV 07-0030

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**APPLICATION OF BARBARA A.
PETRUS FOR *PRO HAC VICE*
ADMISSION**

In conjunction with the attached declaration and payment, BARBARA A. PETRUS
hereby respectfully applies for admission to the bar of this court *pro hac vice* to represent Defendant
Rome Research Corporation, in this matter. This application is made pursuant to Local Rule 83.5(d) of
the U.S. District Court for the Northern Mariana Islands.

Dated this 16 day of April, 2008 .



BARBARA A. PETRUS

Declaration of BARBARA A. PETRUS
in Support of Pro Hac Vice Application

I, BARBARA A. PETRUS, declare as follows:

1. I am a lawyer with the law firm of Goodwill Anderson Quinn & Stifel. My firm
has been asked by Defendant Rome Research Corporation to represent it in the case of *U.S. Equal
Employment Opportunity Commission v. Rome Research Corporation, et. al.*, CV 07-0030, United
States District Court for the Northern Mariana Islands. I make this affidavit on personal knowledge, and
I could and would competently testify as follows:

2. My residential address is 47-377 Kamehameha Highway, Kaneohe HI 96744. My
office address is 1099 Alakea Street, Suite 1800, Honolulu, Hawaii 96813.

3. I graduated from Albany Law School of Union University in 1982.

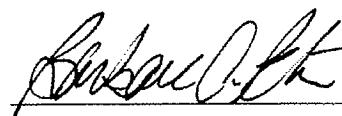
4. I was admitted to practice in the all courts of the State of Hawaii on October 15,
1982 and admitted to practice in the United States District Court of Hawaii on October 15, 1982. I am
a member in good standing of the Hawaii State Bar Association.

5. I am not currently suspended or disbarred in any court.

1 6. I am not currently admitted *pro hac vice* in any other matters in the District Court
2 for the Northern Mariana Islands.

3 7. Daniel M. Benjamin of the law firm of Calvo & Clark, LLP has agreed to serve as
4 the designated local counsel in this matter. The address for Calvo & Clark, LLP is 1st Floor, Macaranas
5 Building, PMB 951 Box 10001, Saipan, MP 96950. Its office telephone number is (670) 233-2045, fax
6 (670) 233-2776. Mr. Benjamin's affidavit indicating his consent to his designation as Local Counsel is
7 being filed concurrently with this application.

8
9 I declare under penalty of perjury under the laws of the United States and the CNMI that
10 the foregoing is true and correct and this declaration was executed on April 16, 2008 in Honolulu,
11 Hawaii.
12

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14

15 BARBARA A. PETRUS

16 State of Hawaii)
17) ss
18 City and County of Honolulu

19 On this 16th day of April, 2008, before me, a notary public in and for
20 State of Hawaii, personally appeared BARBARA A. PETRUS, known to me to be the person who
21 executed the foregoing **APPLICATION OF BARBARA A. PETRUS FOR PRO HAC VICE**
22 **ADMISSION**, and acknowledged to me that she executed the same.
23

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
25 day and year first above written.

26) S E A L (

27 


NOTARY PUBLIC Juanita Kato
State of Hawaii
My Commission Expires: 6/3/2011
2

1 DANIEL M. BENJAMIN (F0309)
2 CALVO & CLARK, LLP
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9 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

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11 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Civil Case No. CV 07-0030

12 Plaintiff,

**APPLICATION OF SIEU K. CHE
FOR PRO HAC VICE ADMISSION**

13 v.

14
15 ROME RESEARCH CORPORATION and
DOES 1-10, Inclusive

16 Defendants.

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In conjunction with the attached declaration and payment, SIEU K. CHE hereby respectfully applies for admission to the bar of this court *pro hac vice* to represent Defendant Rome Research Corporation, in this matter. This application is made pursuant to Local Rule 83.5(d) of the U.S. District Court for the Northern Mariana Islands.

Dated this 16 day of April, 2008.


SIEU K. CHE

Declaration of SIEU K. CHE
in Support of *Pro Hac Vice* Application

I, SIEU K. CHE, declare as follows:

1. I am a lawyer with the law firm of Goodwill Anderson Quinn & Stifel. My firm has been asked by Defendant Rome Research Corporation to represent it in the case of *U.S. Equal Employment Opportunity Commission v. Rome Research Corporation, et. al.*, CV 07-0030, United States District Court for the Northern Mariana Islands. I make this affidavit on personal knowledge, and I could and would competently testify as follows:

2. My residential address is 2440 Campus Rd. #383, Honolulu, Hawaii 96822. My office address is 1099 Alakea Street, Suite 1800, Honolulu, Hawaii 96813.

3. I graduated from the William S. Richardson School of Law at the University of Hawaii in 2005.

4. I was admitted to practice in the all courts of the State of Hawaii on November 11, 2005 and admitted to practice in the United States District Court of Hawaii on November 11, 2005. I am a member in good standing of the Hawaii State Bar Association.

5. I am not currently suspended or disbarred in any court.

6. I am not currently admitted *pro hac vice* in any other matters in the District Court for the Northern Mariana Islands.

7. Daniel M. Benjamin of the law firm of Calvo & Clark, LLP has agreed to serve as the designated local counsel in this matter. The address for Calvo & Clark, LLP is 1st Floor, Macaranas Building, PMB 951 Box 10001, Saipan, MP 96950. Its office telephone number is (670) 233-2045, fax (670) 233-2776. Mr. Benjamin's affidavit indicating his consent to his designation as Local Counsel is being filed concurrently with this application.

I declare under penalty of perjury under the laws of the United States and the CNMI that the foregoing is true and correct and this declaration was executed on April 16, 2008 in Honolulu, Hawaii.

L.C
SIEU K. CHE

State of Hawaii)
City & County of Honolulu)^{ss}

On this 16th day of April, 2008, before me, a notary public in and for
State of Hawaii personally appeared SIEU K. CHE, known to me to be the person who executed the
foregoing **APPLICATION OF SIEU K. CHE FOR PRO HAC VICE ADMISSION**, and
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.

) S E A .

Juanita Kato
NOTARY PUBLIC Juanita Kato
State of Hawaii
² My Commission Expires: 6/3/2011

1 DANIEL M. BENJAMIN (F0309)
2 CALVO & CLARK, LLP
3 1st Floor, Macaranas Building
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6 *Attorneys for Defendant*
7 *Rome Research Corporation*

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9 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

10
11 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Civil Action No. CV 07-0030

12 Plaintiff,

13 v.

14
15 CONSENT TO DESIGNATION
AS LOCAL COUNSEL OF
DANIEL M. BENJAMIN

16 ROME RESEARCH CORPORATION; and
DOES 1-10, Inclusive,

17 Defendant.
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I, Daniel M. Benjamin, hereby consent to the designation as local counsel for Sieu K. Che and
Barbara A. Petrus of the law firm of Goodsill Anderson Quinn & Stifel, who are seeking pro hac vice
admission to this Court. I understand that such designation means that I have the obligation to
participate meaningfully in the preparation and trial of this case. The address for Calvo & Clark, LLP is
1st Floor, Macaranas Building, PMB 951 Box 10001, Saipan, MP 96950. Its office telephone number
is (670) 233-2045, fax (670) 233-2776.

Dated this 17th day of April, 2008.

Calvo & Clark, LLP
Attorneys for Rome Research Corporation

By:



DANIEL M. BENJAMIN

1 DANIEL M. BENJAMIN (F0309)
2 CALVO & CLARK, LLP
3 1st Floor, Macaranas Building
4 PMB 951 Box 10001
5 Saipan, MP 96950
Telephone: (670) 233-2045
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6 *Attorneys for Defendant*
7 *Rome Research Corporation*

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11 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Civil Action No. CV 07-0030

12 Plaintiff,

13 v.

14
15 ROME RESEARCH CORPORATION; and
DOES 1-10, Inclusive,

16 Defendants.

**[PROPOSED] ORDER
GRANTING PETITION TO
ADMIT ATTORNEYS *PRO HAC
VICE***

1 Upon good cause shown, and after review of the Petition to Admit Attorneys *Pro Hac*
2 *Vice*, the Affidavits of Barbara A. Petrus and Sieu K. Che in Support of the Petition, and the Consent
3 of Daniel M. Benjamin to Designation of Legal Counsel and pursuant to Rules 83.5(b) and (d) of the
4 Local Rules of the District Court for the Northern Mariana Islands (“Local Rules”), the Petition to
5 Admit Attorneys *Pro Hac Vice* is hereby granted.

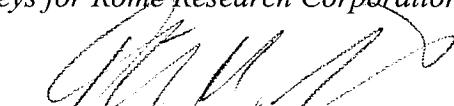
6 IT IS HEREBY ORDERED that Barbara A. Petrus and Sieu K. Che are admitted *pro*
7 *hac vice* on behalf of Defendant Rome Research Corporation for the pendency of the above-
8 captioned case. Daniel M. Benjamin is designated as local counsel.

9
10 SO ORDERED: _____.

11
12
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14 HONORABLE ALEX R. MUNSON
15 Chief Judge, District Court for the NMI

16 Calvo & Clark, LLP
17 Attorneys for Rome Research Corporation

18 By: _____

19 
DANIEL M. BENJAMIN

W A H N I N G

GOODSILL ANDERSON QUINN & STUHL
 A LIMITED LIABILITY LAW PARTNERSHIP LLP
 GENERAL ACCOUNT
 P.O. BOX 3196
ONE O'NEIL
 P.O. BOX 3196
 HONOLULU, HAWAII 96801

DATE * EXACTLY * * * * * 250 * DOLLARS AND * 00 * CENTS

PAY
 TO THE
 ORDER
 OF
 Clerk, District Court, NMI

** 289479 ** 1:213010281: 0001 03259711

Clerk, District Court, NMI

289479 #100748 - Admission Pro Hac
 Vice for Sieu Che.
 (skc2/bn/cv)

\$250.00

MAIN OFFICE
HONOLULU, HAWAII
 59-1021213

289479

PRESENT IMMEDIATELY - NOT VALID
 AFTER 90 DAYS

GOODSILL ANDERSON QUINN & STUHL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

P.O. BOX 3196

HONOLULU, HAWAII 96801

Ronald H. Kei.

04-16-08

*****250.00

AUTHORIZED SIGNATURE

DESCRIPTION

AMOUNT

289479

PLEASE DETACH THIS STATEMENT
 BEFORE DEPOSITING CHECK

\$250.00

GOODSILL ANDERSON QUINN & STUHL
 A LIMITED LIABILITY LAW PARTNERSHIP LLP
 P.O. BOX 3196
 HONOLULU, HAWAII 96801

THIS CHECK IS TENDERED IN
 PAYMENT OF ITEMS LISTED

W A R N I N G

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP
 GENERAL ACCOUNT
 P.O. BOX 3196
 HONOLULU, HAWAII 96801

DO NOT CASH THIS CHECK UNLESS YOU CAN SEE
 VERIFY FIRST "TRUE" WATERMARK HOLD UP TO
 LIGHT TO SEE SAFE AND VERIFY FIRST.

MAIN OFFICE
Jh Bank of Hawaii
 HONOLULU, HAWAII
 69-102/1213

CHECK NUMBER
289478

289478

PRESENT IMMEDIATELY - NOT VALID
 AFTER 30 DAYS

EXACTLY***250*DOLLARS AND*00*CENTS

ONE'S BANK A/C ONLY

PAY
 TO THE Clerk, District Court, NMI
 ORDER OF

DATE
04-16-08

CHECK AMOUNT
*******250.00**

GOODSILL ANDERSON QUINN & STIFEL

Randall L. Ku
 AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

289478 1213010281 0001 032577

INVOICE
NUMBER

DESCRIPTION

AMOUNT

Clerk, District Court, NMI

289478	#100748 - Admission Pro Hac Vice for Barbara Petrus. (skc2/bn/cv)	\$250.00
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ATTY:

289478

PLEASE DETACH THIS STATEMENT
BEFORE DEPOSITING CHECK

GOODSILL ANDERSON QUINN & STIFEL
 A LIMITED LIABILITY LAW PARTNERSHIP LLP
 PO. BOX 3196
 HONOLULU, HAWAII 96801

\$250.00

THIS CHECK IS TENDERED IN
PAYMENT OF ITEMS LISTED